

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GOTHAM HOLDINGS, LP,
PRIMARIUS PARTNERS LP,
PRIMARIUS OFFSHORE PARTNERS LTD.,
PRIMARIUS FOCUS LP,
PRIMARIUS CHINA FUND LP,
WILLOWCREEK CAPITAL PARTNERS, LP,
WILLOWCREEK CAPITAL PARTNERS II, LP, and
WILLOWCREEK OFFSHORE, LTD.,

Case No. 07 CV 2563 (MGC)

Plaintiffs,

v.

HEALTH GRADES, INC. and KERRY R. HICKS,

Defendants.
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**PLAINTIFFS' NOTICE OF MOTION TO REFER THIS CASE
TO MEDIATION UNDER LOCAL RULE 83.12(e)**

Please take notice that pursuant to Local Rule 6.1(b) and Judge Cedarbaum's Individual Practices ¶ 3.C, on Thursday, March 4, 2010, at 9:30 a.m., at the United States Courthouse, 500 Pearl Street, New York, New York, before the Honorable Miriam Goldman Cedarbaum, the plaintiffs will move that the Court order the parties — decisionmaking principals and the defendants' insurer — to mediation pursuant to Local Rule 83.12(e).

In support of their motion, the plaintiffs rely on the accompanying Declaration of Philip Heller and memorandum of law in support of this motion.

Respectfully submitted,

Dated: New York, New York
February 10, 2010

FAGELBAUM & HELLER LLP

/s/ Philip Heller
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- and -

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Attorneys for Plaintiffs

Certificate of Service

I certify that on this 10th day of February, 2010, I caused true copies of the foregoing Motion and accompanying memorandum of law and Declaration of Philip Heller to be served on counsel for all parties via electronic filing through the Court's ECF system.

/s/ Martin Domb

Martin Domb (MD-4109)